

REMARKS

Favorable reconsideration of the present application is respectfully requested.

Claims 15-18 have been allowed. Claim 14 has been cancelled. Allowable Claims 2, 5, 8 and 11 have been rewritten in independent form. Claim 1 has been amended to replace the recited fuel tank dislodgment preventing means with the disclosed structure for providing the function of this means, i.e., the battery mounting bracket mounting the battery is positioned to prevent the fuel tank from moving in the removable direction when set in the tank mounting portion.

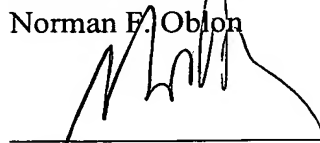
Claim 1 was rejected under 35 U.S.C. § 102 as being anticipated by Japanese patent publication 2001-090112 (Yoshitaka). It is respectfully submitted that amended Claim 1 defines over this reference.

Yoshitaka discloses a working machine in which a fuel tank 10 is retained against a partition wall 45 of the machine by a strap 59 secured between the partition wall 45 and a bracket 61. There is no evidence in Yoshitaka, however, of a battery mounting bracket mounting a battery and positioned to prevent the fuel tank from moving in a removable direction when set in a tank mounting portion. It is noted that the Office Action states that element 70F of Yoshitaka is the fuel tank dislodgment preventing means. However even if this were true, there is no evidence in Yoshitaka that element 70F is a battery mounting bracket which mounts a battery. Amended Claim 1 therefore defines over Yoshitaka.

Applicants therefore believe that the present application is in a condition for allowance and respectfully solicit and early notice of allowable.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon



---

Robert T. Pous  
Attorney of Record  
Registration No. 29,099

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 03/06)